

IN THE UNITED STATES DISTRICT COURT  
FOR THE Southern DISTRICT OF TEXAS  
Galveston DIVISION

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

United States Courts  
Southern District of Texas  
FILED

NOV 20 2017

David J. Bradley, Clerk of Court

Kenneth Taylor #828757  
Plaintiff's name and ID Number

C. T. Terrell  
Place of Confinement

CASE NO: \_\_\_\_\_  
(Clerk will assign the number)

v.

Bryan Collier P.O. Box 99 Huntsville, Tx.  
Defendant's name and address

Jacqueline, Jones 1300 F.M. 655 Rosharon, TX  
Defendant's name and address

Eric C. Miller 1300 F.M. 655 Rosharon, TX  
Defendant's name and address  
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

**FILING FEE AND IN FORMA PAUPERIS**

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **\$350.00**.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **\$350** filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment?   X   YES        NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: End of 2016
  2. Parties to previous lawsuit:  
 Plaintiff(s): Kenneth Taylor  
 Defendant(s): Bryan Celler, Robert D. Herrera, & Dr. Lannetta Litchman
  3. Court (If federal, name the district; if state, name the county) United States District Southern
  4. Docket Number: ?
  5. Name of judge to whom case was assigned: Keith P. Ellison
  6. Disposition: (Was the case dismissed, appealed, still pending?)  
Dismissed
  7. Approximate date of disposition: Jan 2017

II. PLACE OF PRESENT CONFINEMENT: C. T. Terrell

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: Kenneth Taylor # 828 757

1300 F.M. 655, Rosharon, Texas, 77583

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Bryan Collier, P.O. Box 99, Huntsville, Texas 77342-6099  
*The defendant has failed to provide a safe and humane living condition that do not harm the sick and elderly. This would include the fact*

*Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.*  
*that C.T. Terrell staff even after being told and seeing the actions of the courts in conjunction with the Pack Law suit, still failed to provide*

Defendant #2: Jackqueline, Jones 1300 F.M. 655, Rosharon, Texas 77583

*Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.*  
*The defendant refused to provide any kind of relief for the inhumane living condition at C.T. Terrell.*

Defendant #3: ERIC C. Miller 1300 F.M. 655, Rosharon, Texas 77583  
*This defendant has failed in his duties to provide a safe and humane living condition for the sick and elderly. This would include the fact*

*Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.*  
*that He " even after being told and seeing the actions of the courts in the Pack Law suit, failed to make corrections.*

Defendant #4: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Defendant #5: \_\_\_\_\_

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

**V. STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I was moved from pack one unit in Dawson, Texas in June 2017 because of a medical illness that causes strokes and that is very subjective to the heat conditions.

At the present "we" are being subjected to extreme heat conditions through out the summer. There <sup>are</sup> a large number of inmates that are sick (medical inmates) "I'm one of them", or Elderly. Then there are those that are both ~~here~~ on C.T. Terrell and the heat caused major medical issues for us. I can't believe that another human being, would subject another to the harsh conditions we are, but give A/C to the Hogs.

see next page

**VI. RELIEF:** State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes.

I would like the court to order that inmates at C.T. Terrell and other medical related facilities in the Texas prison system to have the temperature maintained at 65°-85° year round. (2) the same units to have infirmary that will support this system on emergency power.

**VII. GENERAL BACKGROUND INFORMATION:**

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Kenneth Edward Taylor, Kenneth Taylor, 1/3 Kenneth J Taylor

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you.

Just 828757

**VIII. SANCTIONS:**

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): \_\_\_\_\_

2. Case Number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☐ NO

# STATEMENT OF Claim Cont "

The C. T. Terrell staff out-lined a number of things in their response to the grievances all of which are untrue. But I would like to address one here. Its the special housing arrangements for heat restricted inmates. "First" its hotter at the front of the dorm. "second" I have only had one officer ever check on me do to my heat restrictions.

The Issue at hand is C. T. Terrell is classified as a Medical unit, that houses Medical inmates, but has no controlled environment 45°F-85°F and no relief in the hot Summer months.

There is also an issue of the infrastructure of C. T. Terrell! We have frequent Power Outages ranging from hours to days! While the power is out and we are on Emergency Generator Power we have "no ventilation or fan" one such point, During Hurricane Harvey we went with out Power for over 24hrs. while waiting to be moved to other units!

This is clearly violation of the 8th Amendment to United States constitution

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed.  
(If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning were imposed: \_\_\_\_\_

Executed on: 11/14/17  
(Date)

Kenneth Taylor  
(Printed Name)  
[Signature]  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire **\$350** filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 14th day of November, 20 17.  
(Day) (Month) (Year)

Kenneth Taylor  
(Printed Name)  
[Signature]  
(Signature of Plaintiff)

**WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.**